

## **REMARKS**

The Office Action of August 27, 2004 has been received and considered. Claims 1, 5, 6 and 7 have been amended. New claims 8-31 have been added. Reconsideration of the application in view of the following remarks and allowance of the pending claims is respectfully requested. Each of the Examiner's rejections is discussed below.

Claim 1, 6 and 7 have been amended in non-limiting fashion to correct typographical errors. In particular, the claims have been amended to replace "cam member" with --cam-- in order to be consistent throughout the claims.

### **Allowable Subject Matter**

The Applicants thank the Examiner for the indication that claim 7 is allowed and that claim 3 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Since independent claim 1 is believed to be allowable, as discussed below, claim 3 is believed to be allowable in its present form.

### **Claim Objections**

Claim 5 has been objected to on the grounds that "its" at line 6 should be changed to "the." Claim 5 has been amended in non-limiting fashion to correct this typographical error, as suggested by the Examiner. Claim 5 is now believed to be in proper form.

### **Section 102**

Claims 1, 2, and 4-6 have been rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,561,585 to Cilliere et al. ("Cilliere"). This rejection is respectfully traversed.

Cilliere discloses a seat hinge assembly having a stationary plate 7 and a cheek plate 8. A pair of slugs 11 have teeth 12 that engage teeth 13 on cheek plate 8. Slugs 11 are driven outwardly into engagement with teeth 13 by a cam 16. Slugs are driven inwardly out of engagement by

camming edges 24 of cutouts 23 formed in a plate 22.

A pair of slugs 25 diametrically opposed to slugs 11 have teeth 26 that engage teeth 13 on cheek plate 8. Each slug 25 is driven outwardly into engagement with teeth 13 by a spring 27 that passes through a hole 28 in slug 25. Slugs 25 are driven inwardly out of engagement with teeth 13 by camming edges 32 of cutouts 31 formed in plate 22. Slugs 25 include wedges 44 on each side thereof, formed by bearing edges 41 that angle outwardly from the sides of slugs 25. Such wedges 44 are not found on slugs 11.

Cilliere fails to disclose or make obvious a pair of secondary pawls driven radially outwardly by engagement with a secondary cam into an engaged position, as required by independent claim 1. The slugs 25 of Cilliere (described in the Office Action as secondary pawls) are not driven outwardly by plate 22 (described in the Office Action as a secondary cam member). Rather, they are driven outwardly by springs 27. The cutouts 31 of plate 22 have camming edges 32 that serve to drive slugs 25 inwardly, but plate 22 does not contact slugs 25 at all as they are driven outwardly.

Cillere also fails to disclose a reclining vehicle seat hinge assembly having a pair of primary pawls and a pair of secondary pawls, with the secondary pawls having a construction identical to that of the primary pawls, as required by independent claim 6.

In fact, Cilliere teaches away from secondary pawls having a construction identical to that of its primary pawls. Slugs 11 (described in the Office Action as primary pawls) have straight sides that slide radially along guides 14 of plate 7. Slugs 25, on the other hand, as noted above, have a rear portion 22 with side edges 34 that slide along guides 14. Side edges 34 transition to side bearing edges 41 that angle outwardly from slugs 25 to form wedges 44. Wedges 44 act during instances of large pivoting torque to wedge slugs 25 against teeth 13 in order to reinforce the mechanical strength of the hinge mechanism (See col. 6, lines 46-60). Thus, not only are the constructions of slugs 11

and 25 different in Cilliere, one skilled in the art would be taught by Cilliere that there is an advantage to their differing constructions, and would be taught away from secondary pawls having a construction identical to that of its primary pawls.

Accordingly, the rejection is improper and should be withdrawn.

### **New Claims**

New claims 8-31 have been added. No new matter is believed to be incorporated in new claims 8-31.

New claims 8-12 are believed to be allowable since each of these claims depends from allowable claim 7.

New claims 13-21 are believed to be allowable as well, since each of these claims requires a pair of secondary pawls driven into an engaged position by engagement with a corresponding camming surface of a secondary cam.

Similarly, new claims 22-31 are believed to be allowable, since each of these claims depends from claim 6, which is believed to be allowable as discussed above.

### **Conclusion**

Pending claims 1-31 are believed to be in form for allowance, and an indication to that effect is respectfully requested at this time. Please apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

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